

MANDATE

United States Court of Appeals For the First Circuit

No. 05-2182

DONALD C. HUTCHINS,
Plaintiff, Appellant,

v.

CARDIAC SCIENCE, INC.,
Defendant, Appellee.

Before

Boudin, Chief Judge,
Torruella and Howard, Circuit Judges.

JUDGMENT

Entered: July 24, 2006

We hereby dismiss the appellant's interlocutory appeal, without prejudice to any appeal of the order at final judgment. An order granting summary judgment on claims against one party in ongoing litigation is not appealable as a final judgment because it does not finally dispose of all rights of all parties. 28 U.S.C. § 1291. The appellant makes no showing that the order is otherwise appealable at this time. See United States v. Kouri-Perez, 187 F.3d 1 (1st Cir. 1999).

Appeal dismissed.

Filed and Issued as Mandate
under Fed. R. App. P. 41.


Richard Cushing Donovan, Clerk


Deputy Clerk

Date: 8/16/06

By the Court:

Richard Cushing Donovan, Clerk.

By: 
Chief Deputy Clerk.

[cc: Donald C. Hutchins, Paul H. Rothschild, Esq., Randall T. Skaar, Esq., Scott G. Ulbrich, Esq., Wendy Jo Cusick, Esq., John Egan, Esq., Colleen M. O'Neill, Esq., Jeffrey J. Lauderdale, Esq., William E. Coughlin, Esq.]